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Sven Schwerin-Wenzel

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EXAMINER

LONG, FONYA M

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/749,865	Applicant(s) SCHWERIN-WENZEL ET AL.	
	Examiner FONYA LONG	Art Unit 3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05/23/2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The following is a Non-Final Office Action in response to communications received May 23, 2008. Claims 2, 10-14, and 17 have been amended. Claims 1-20 are pending and addressed below.

Response to Amendment

1. Applicant's amendments to the claims are sufficient to overcome the 112 rejection as set forth in the previous Office Action.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As per Claims 1-11 and 14-20, the claim limitations recite "interfaces", "tools", and "modules" which are considered software. Software does not fall within at least one of the four statutory categories (process, machine, manufacture, or composition of matter).

As per Claims 12 and 13, the claims limitations recites "interfaces" and a "module" which are considered software. Software does not fall within at least one of the four statutory categories (process, machine, manufacture, or composition of matter).

The claims limitations also recite "templates" and "interactive polls, questionnaires, archived polls, and archive questionnaire responses" which are considered descriptive material. Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." In this context, "functional descriptive material" consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of "data structure" is "a physical or logical relationship among data elements, designed to support specific data manipulation functions." The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).) "Nonfunctional descriptive material" includes but is not limited to music, literary works, and a compilation or mere arrangement of data. **Both types of "descriptive material" are nonstatutory when claimed as descriptive material per se, 33 F.3d at 1360, 31 USPQ2d at 1759.** When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994) (discussing patentable weight of data structure limitations in the context of a statutory claim to a data structure stored on a computer readable medium that increases computer efficiency) and *In re Warmerdam*, 33 F.3d *1354, 1360-61, 31 USPQ2d *1754, 1759 (claim to computer having a specific data structure stored in memory held statutory product-by-process claim) with *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per Claims 1-2, the claims recite a method wherein the claim limitations only consist of structural limitations. It is unclear what method is being claimed. Claim 1 recites simply "a first interface", "a second interface", and "one or more tools". It has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchinson*, 69 USPQ 138.

As per Claims 3-11, the claims recite a system wherein the claims limitations only consist of software (i.e. interfaces, tools, and modules). It is unclear what system is being claimed. The claims fail to provide structural limitations such as a processor, which would describe what the system consists of.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Marpe et al. (6,671,692), hereinafter stated as Marpe.

As per Claim 1, Marpe discloses a method for planning a merger of at least two organizations, the method comprising:

a first interface adapted to allow a user to plan a project with a resource management capability and a time management capability (Col. 18, Lines 25-64, discloses an "Executive Dashboard" interface that allows users to plan milestones according to time and resources);

a second interface adapted to provide collaborative capabilities to a plurality of merger members to plan the project (Col. 33, Lines 37-43, discloses a "Decision Management Tool" allowing users to collaboratively plan and make decisions regarding a merger project); and

one or more tools adapted to allow a user to exchange merger information with a person associated with one of the organizations (Col. 47, Lines 50-57; discloses a "M&A planning guide" which allows its users, both client and [internal] personnel" and other interested users to share exchange information via "an interactive web-based tool").

As per Claim 2, Marpe discloses the first interface including a planning the period (Col. 18, Lines 25-64, discloses an "Executive Dashboard" interface that allows a

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user to plan milestones according to time and resources), wherein the second interface permits creating, posting, storing, and sharing information (Col. 33, Lines 37-43, discloses a "Decision Management Tool" allowing a user to collaboratively plan and make decisions regarding a merger project, including creating, posting, storing, and sharing required decisions) wherein the person is selected from a class consisting of managers, employees, customers, partners, suppliers, consultants, analysts, and specialists (Col. 47, Lines 50-57, discloses a "M&A planning guide" which allows its users, both client and [consulting firm] personnel and other interested users [construed to include managers, employees, customers, partners, suppliers, consultants, analysts, and specialists, as these are typical interested parties in a merger operation] to share exchange information via an interactive web-based tool).

As per Claim 3, Marpe discloses a system for implementing a merger of at least two organizations, wherein the system comprises: a search query interface adapted to search for terms related to one of the organizations wherein the search query interface permits a search for a stakeholder (Col. 35, Lines 12-20, discloses a search utility and interface within an "Issue Management" application); and

a tool capable of providing communication between a plurality of stakeholders of the merger (Col. 47, Lines 50-57, discloses a "M&A planning guide" which allows its users, both client and [internal] personnel" and other interested users to share exchange information via "an interactive web-based tool").

As per Claim 4, Marpe discloses a system wherein the search query interface comprises one or more search fields in the interface that allow a user to enter a search

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parameter for at least one merger organization, wherein the search parameter comprises an attribute of an activity, qualification, interest, and profile of a stakeholder (Col. 35, Tables 26, 27, and 28, discloses search fields including the parameters of event [construed as "activity"], recommendation [construed as "qualification"], executive attention [construed as "interest] and team [construed as "profile of a stakeholder"]).

As per Claim 5, Marpe discloses a system comprising a module to store one or more search results and one or more search parameters (Col. 36, Lines 30-35, discloses a search system wherein the user can store search results in physical or electronic reports), Wherein the search query interface further comprises one or more data fields of communication data (Col. 35, Lines 1-20; Table 26, discloses a search utility including search fields [construed as communications fields]), the communication data fields including a stakeholder name (Col. 35, Lines 20-35; Table 26, discloses a search field including "Identified By" [construed as stakeholder name]).

As per Claim 6, Marpe discloses a system wherein the search query interface further permits a search for group of merger stakeholders (Col. 35, Lines 20-35; Table 26, discloses a search field including the data field team [construed as a "group of merger stakeholders"]), wherein the search query interface comprises one or more data fields of communication data (Col. 35, Lines 12-20; Table 26, discloses a search utility including search fields [construed as "communications fields"]) and the communication data fields include at least one of a group name (Col. 35, Lines 20-35; Table 26, discloses a team search field [construed as a "group name"]).

As per Claim 7, Marpe discloses a system for implementing a merger of a first organization and a second organization, wherein the system comprises:

a first collaborative user interface for the first organization (Col. 34, Lines 8-25, discloses an "Issue Management" interface where users within a first organization can create issues for consideration); and,

a second collaborative user interface for the second organization (Col. 18, Lines 25-29, discloses an "Executive Dashboard" wherein a second organization, such as a company merging with the first organization, can track progress of the merger), wherein the second collaborative user interface is adapted to allow a second collaborative interface user to track a status of employee movements in the first organization (Col. 18, Lines 27-29, discloses a collaborative interface where "executives [will] be able to track and identify" the issues and organization of employees with the first organization).

As per Claim 8, Marpe discloses a system wherein an interface presents investor information (Col. 18, Lines 25-29; Col. 40, Lines 45-55, discloses an "Executive Dashboard" including a "Value Realization" interface including investor information such as benefits realization and value analysis).

As per Claim 9, Marpe discloses a system wherein an interface presents investor information (Col. 18, Lines 25-29; Col. 33, Lines 37-43, discloses an "Executive Dashboard" including a "Decision Management Tool" interface [construed as a management plan]).

As per Claim 10, Marpe discloses a system for implementing a merger of at least two organizations, the system comprising a collaborative interface for one or more

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stakeholders (Col. 47, Lines 50-57, discloses a "M&A planning guide" which "allows its users, both client and [internal] personnel" and other interested users to share exchange information via "an interactive web-based tool"), wherein the collaborative interface comprises at least one of a personalized merger task interface, a merger event interface, and an interface to a collaborative calendar (Col. 44, Lines 37-42, discloses a calendar interface that allows users to create and retrieve project calendars to track meeting schedules), and wherein the collaborative interface comprises a menu adapted to allow a stakeholder to access disparate interfaces (Col. 47, Line 65, discloses disparate screens [construed as interfaces] that the user may access) the disparate interfaces comprising a communication interface (Col. 48, Lines 12-13, discloses communication interface for "identifying stakeholder communications requirements and creating initial announcements), an information sessions interface (Col. 48, Line 3, discloses an interface for "making and documenting initial decisions" [construed as information sessions]), and one or more interfaces for a manager to communicate merger information with one or more employees (Col. 48, Lines 13-15, discloses an interface for creating announcements and a "short-term communication plan").

As per Claim 11, Marpe discloses a system wherein the disparate interfaces allow interactive discussion (Col. 9, Line 57-Col. 10, Line 13; Col. 14, Line 59-Col. 15, Line 56, discloses a system allowing interactive discussions such as virtual meetings, and chatting online).

As per Claim 12, Marpe discloses a system comprising:

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a plurality of templates for a merger of at least two organizations (Col. 10, Lines 6-11, discloses a system wherein "user are consistently guided through the steps to complete merger/acquisition activities, and are provided samples and templates to facilitate the completion of deliverables associated with those activities");

a plurality of graphical user interfaces adapted to display the templates (Col. 10m Lines 6-11; Col. 14, Lines 12-14, discloses the user of graphical interfaces for templates), the templates comprising a reference model (Col. 10, Lines 10-11; Col. 14, Lines 8-10, discloses a template used to navigate "a relationship, i.e. progression or sequence" [construed as a reference model]), wherein the templates are adapted for at least one of customer , employees, managers, merger partners, consultants, suppliers, and financial experts (Col. 10, Line 7, discloses the availability of templates for "users," defined in Col. 47, Line 51, as "clients and internal personnel");

a module adapted to allow one or more stakeholders to communicate with a system user (Col. 47, Lines 50-57; discloses an "M&A planning guide" which allows its users, both client and [internal] personnel" and other interested users to share exchange information via "an interactive web-based tool"); and

a least one of interactive polls, questionnaires, archived polls, and archived questionnaire responses (Col. 47m Lines 51-54, discloses a "M&A Planning Guide" which allows a user to review and update answers to submitted questions).

As per Claim 13, Marpe discloses a system comprising a menu of various types of templates and template formats (Col. 10, Lines 6-11, discloses a system wherein "users are consistently guided through the steps to complete merger/acquisition

activities, and are provided samples and templates to facilitate the completion of deliverables associated with those activities” and (Col. 52, Lines 30-35) “Industry Solution Packs” [construed as industry templates]).

As per Claim 14, Marpe discloses a system for implementing a merger of at least two organizations, the system comprising a user interface component, a dashboard, and at least one collaboration tool usable by a plurality of users, wherein the collaboration tool comprises at least one of real-time chat sessions, real-time online meetings, real-time interactive discussions, and real-time synchronized browsing (Col. 10, Lines 3-5, via virtual meetings and Col. 14, Line 60-Col. 15, Line 8, discloses allowing users to chat online with other users).

As per Claim 15, Marpe discloses a system comprising user interface patterns (Col. 6, Lines 23-26; Col. 18, Lines 25-29, discloses "collaborating classes that capture both the small scale patterns and major mechanisms that implement the common requirements" to be included in the "Executive Dashboard" user interface), a People Finder (Col. 34, Lines 20-22; Table 24, discloses a system whereby a user may search for persons within the "Issue Management" interface), and one or more Control Center Pages (Col. 18, Lines 25-64, discloses an "Executive Dashboard" interface that allows users to plan milestones according to time and resources), wherein the user interface component is adapted to toggle between a graphical and numerical display (Fig. 10, discloses the graphical display of data within the Executive Dashboard interface; Fig. 10 and 11, discloses the switch to numerical display via search execution).

As per Claim 16, Marpe further discloses a portal interacting with an enterprise management system (Col. 41, Lines 7-9, discloses the Reference tool [construed as a portal interacting with outside an enterprise management system], wherein the portal is adapted to provide a common interface to one or more program management services (Col. 41, Lines 10-17, discloses a portal interacting with program management services including “deliverables library, contacts, calendars, and organization charts”).

7. Claim 17 is rejected under 35 U.S.C. 102(e) as being anticipated by Beringer (7,219,107).

As per Claim 17, Beringer discloses a system for planning merger of at least two organizations, the system comprising an object modeling tool, a process modeling tool, and a user interface tool, wherein the object modeling tool enables generation of new business objects (Col. 7, Lines 43-55, discloses an object modeling tool that enables a creation of new business objects), wherein the process modeling tool includes pre-configured work procedures and enables collaborative workflow (Col. 7, Lines 56-67, discloses a process modeling tool that includes guided procedure templates with pre-configured work procedures), and wherein the user interface tool comprises one or more collaborative interfaces for a plurality of stakeholders (Abstract, discloses collaborative information spaces (i.e. interfaces) located on a corporate intranet for use by a plurality of users).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beringer (7,219,107) in view of Marpe et al. (6,671,692).

As per Claim 18, Beringer discloses the claimed invention as applied to Claim 17, above. However, Beringer fails to explicitly disclose a definition tool.

Marpe et al. discloses a system and method for facilitating the navigation of data with the concept of a definition tool, wherein the definition tool is an integrated system tool (Col. 34, Lines 8-14, discloses an "Issue Management" tool that allows users to open and define issues on an integrated platform), wherein the one or more collaborative interfaces comprise a merger issue and an indicator adapted to allow a stakeholder to respond to a topic (Col. 34, Line 18, discloses a "Issue Management" system that allows stakeholders to respond and update an issue).

Therefore, from the teaching of Marpe et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method and system for defining collaborative information spaces of Beringer to include a definition tool as taught by Marpe et al. in order to provide an efficient means to communicate and resolve issues within a business.

As per Claim 19, Beringer discloses the claimed invention as applied to Claim 17, above. However, Beringer fails to explicitly disclose one or more collaborative interfaces adapted to allow a stakeholder to generate a procedure for exception handling for a merger action item.

Marpe et al. discloses a system and method for facilitating the navigation of data with the concept of one or more collaborative interfaces adapted to allow a stakeholder to generate a procedure for exception handling for a merger action item (Col. 34, Lines 8-25, discloses an “Issue Management” interface where users within a first organization can create issues [construed as exceptions] for consideration and handling).

Therefore, from the teaching of Marpe et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method and system for defining collaborative information spaces of Beringer to include one or more collaborative interfaces adapted to allow a stakeholder to generate a procedure for exception handling for a merger action item as taught by Marpe et al. in order to provide an efficient means to communicate and resolve issues within a business.

As per Claim 20, Beringer discloses the claimed invention as applied to Claim 17, above. However, Beringer fails to explicitly disclose the one or more collaborative interfaces comprising an executive cockpit, an interface for chat sessions, and a personalized announcement panel.

Marpe et al. discloses a system and method for facilitating the navigation of data with the concept of the one or more collaborative interfaces comprising an executive cockpit (Col. 18, Lines 25-64, discloses an “Executive Dashboard” interface), an

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interface adapted for chat sessions (Col. 14, Lines 59-63; Col. 15, Lines 2-4, discloses a "Discussion Database" interface that "allows users to chat online"), and an announcement panel (Col. 18, Lines 58-64, discloses a "Merger Integration Balanced Scorecard" [construed as an announcement panel] where executives can see issues that have been opened to their attention).

Therefore, from the teaching of Marpe et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method and system for defining collaborative information spaces of Beringer to include one or more collaborative interfaces comprising an executive cockpit, an interface for chat sessions, and a personalized announcement panel as taught by Marpe et al. in order to provide an efficient means to communicate and resolve issues within a business.

Response to Arguments

10. Applicant's arguments filed May 23, 2008 have been fully considered but they are not persuasive.

As per Claim 1, Applicant argues Marpe fails to explicitly disclose "a tool that assists in defining what the milestones should be, choosing what resources to assign, selection when tasks should be completed, and detecting and displaying interdependencies between tasks". In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification

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are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Examiner also asserts it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchinson*, 69 USPQ 138. Examiner asserts that Marpe et al. is fully capable of performing the claimed limitations as per Claim 1.

As per Claim 3, Applicant argues Marpe fails to explicitly disclose "a search query adapted to search for terms related to one of the organizations. Examiner also asserts it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchinson*, 69 USPQ 138. Examiner asserts that Marpe et al. is fully capable of performing the claimed limitations as per Claim 3. Wherein, Marpe et al. discloses a search utility and interface within an "Issue Management" application (Col. 35, Lines 12-20).

As per Claim 7, Applicant argues Marpe et al. fails to explicitly disclose "a first collaborative user interface for the first organization; and a second collaborative user interface for the second organization". Examiner asserts the that limitation stating "for the first organization" and "for the second organization" is considered intended use. It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d

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1647 (1987). Examiner also asserts that Marpe et al. discloses a first collaborative interface (Col. 34, Lines 8-25, discloses an "Issue Management" interface where users within an organization can create issues for consideration) and a second collaborative user interface (Col. 18, Lines 25-29, discloses an "Executive Dashboard" interface wherein an organization, such as a company merging with another organization, can track progress of the merger).

Applicant also asserts Marpe et al. fails to explicitly disclose "the second collaborative user interface is adapted to allow a second collaborative interface user to track status of employee movements in the first organization." Examiner asserts it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchinson*, 69 USPQ 138. Examiner asserts that Marpe et al. is fully capable of performing the claimed limitations as per Claim 7. Marpe et al. discloses a collaborative interface capable of tracking the status of employee movements (Col. 18, Lines 25-48, discloses the "Executive Dashboard" interface that provides a progress/status report on a merger transaction).

As per Claim 10, Applicant's arguments, see Page 12, Line 15-Page 14, Line5, filed May 23, 2008, with respect to the rejection of claim 10 under 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Marpe et al., as referenced above.

As per Claim 12, Applicant argues that Marpe et al. fails to disclose “interactive polls or questionnaires, nor any archive of responses to polls or questionnaires”. The claim limitations as asserted in Claim 12 require that at least one of the limitations be met. Examiner asserts that Marpe et al. discloses providing an interactive polls and questionnaires, and archive of responses to multiple questions (i.e. questionnaires) (Col. 47, Lines 50-57), wherein a "M&A Planning Guide" which is an interactive web-based tool provides users the ability to pick and choose the questions (i.e. polls or questionnaires) to be considered when undertaking an M&A effort and provides the ability to review and update answers to submitted questions). Applicant also asserts that Marpe fails to disclose “any collaborative features”. In response to applicant's argument that the references fail to show “any collaborative features”, it is noted that the features upon which applicant relies (i.e., collaboration) are not recited in the rejected claim. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

As per Claim 14, Applicant argues Marpe fails to disclose a "collaboration tool comprising at least one of real-time chat sessions, real-time online meetings, real-time interactive discussions, and real-time synchronized browsing." Marpe discloses providing real-time chat sessions (Col. 14, Line 60-Col. 15, Line 8, discloses allowing users to chat online with other users) and real-time online meetings (Col. 10, Lines 3-5, via virtual meetings).

As per Claim 17, Applicant's arguments with respect to claim 17 have been considered but are moot in view of the new ground of rejection. Applicant argues Marpe et al. fails to explicitly disclose the newly added limitations stating "an object modeling tool", "a process modeling tool", and "a user interface tool". A new ground of rejection has been stated above in view of Beringer.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FONYA LONG whose telephone number is (571)270-5096. The examiner can normally be reached on Mon-Thur 7:30am-6:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on (571) 272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. L./

Examiner, Art Unit 3689

/Dennis Ruhl/

Primary Examiner, Art Unit 3689